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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2010-69

13 **MARJORIE RIMANDO**  
14 **PO Box 1103**  
**Vallejo, CA 94590**  
**Registered Nurse License No. 677422**

**ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise Bailey, M.Ed., RN, ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about April 10, 2006, the Board of Registered Nursing issued Registered Nurse  
23 License Number 677422 to Marjorie Rimando ("Respondent"). The Registered Nurse License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 September 30, 2009, unless renewed.  
26  
27  
28

**JURISDICTION**

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

...

6. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

...

"(c) Theft, dishonesty, fraud, or deceit."

...

1       7. Section 490 of the Code provides that a board may suspend or revoke a license on the  
2 ground that the licensee has been convicted of a crime substantially related to the qualifications,  
3 functions, or duties of the business or profession for which the license was issued.

4       8. Section 2764 of the Code provides that the expiration of a license shall not deprive  
5 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to  
6 render a decision imposing discipline on the license.

7       9. Section 2811(b) of the Code provides that the Board may renew an expired license at  
8 any time within eight years after the expiration.

9       10. Section 118, subdivision (b), of the Code provides that the expiration of a license  
10 shall not deprive the Board to proceed with a disciplinary action during the period within which  
11 the license may be renewed, restored, reissued or reinstated.

12       11 Section 125.3 of the Code provides that the Board may request the administrative law  
13 judge to direct a licensee found to have committed a violation or violations of the licensing act to  
14 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

15                                   **CAUSE FOR DISCIPLINE**

16                                   **(CRIMINAL CONVICTIONS)**

17       12. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), and/or  
18 490 in that on or about April 13, 2009, in a criminal proceeding entitled *The People of the State*  
19 *of California v. Marjorie Rimando*, Solano County Superior Court Case Number VCR202139,  
20 respondent was convicted by her plea of no contest to a violation of Penal Code section 459  
21 (burglary), charged as a felony and reduced to a misdemeanor.

22       13. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), and/or  
23 490 in that on or about April 13, 2009, in a criminal proceeding entitled *The People of the State of*  
24 *California v. Marjorie Rimando*, Solano County Superior Court Case Number VCR202139,  
25 respondent was convicted by her plea of no contest to a violation of Penal Code section 242  
26 (battery on a person) charged as a misdemeanor.

27       14. Based on the above-referenced pleas of no contest, respondent was sentenced to 30  
28 days in county jail and placed on probation for a period of three years.

15. Respondent is further subject to disciplinary action under sections 2761(a), 2761(f), and/or 490 in that on or about February 18, 2009, in a criminal proceeding entitled *The People of the State of California v. Marjorie Rimando*, Alameda County Superior Court Case Number 129305-2, respondent was convicted by her plea of no contest to a violation of Vehicle Code section 23103 (reckless driving) charged as a misdemeanor. Respondent was sentenced to five days in county jail, ordered to pay a fine in the amount of \$700.00 and placed on court probation for a period of three years.

**PRAYER**


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 677422, issued to Marjorie Rimando.

2. Ordering Marjorie Rimando to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 8/6/09

  
LOUISE BAILEY, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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